IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.111 OF 1989

Hemant Vissanji & Ors. ..Plaintiffs.

V/s.

Rohit P. Shah & Ors. ..Defendants.

Mr.M.M.Vashi for Defendants.

Mr.Paul P.P.i/b. Nanu Hormasjee & Co. for Plaintiffs.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 9, 2007.

P.C. :

1. None appears for the Plaintiffs. Matter is listed under caption "for framing issues"

2. Mr.Vashi submits that in all probability, the Plaintiffs are not interested in pursuing this matter, for which reason no appearance is made.

3. As none appears for the Plaintiffs, dismissed for non-prosecution.

4. Later on, Counsel for the Plaintiffs appears and submits that he was busy in some other Court when the matter was called out. He further informs that the Plaintiffs have no intention to pursue this Suit.

He further requests that instead of recording dismissal of the suit for non-prosecution, the Plaintiffs be permitted to withdraw the Suit.

5. As the Advocate on record for the Plaintiffs was busy in some other Court, the Order passed on the earlier occasion of dismissing the suit for non-prosecution is recalled. Instead, the Suit is allowed to be withdrawn. Refund as per rules. Ordered accordingly.

(A.M.KHANWILKAR,J)